

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>DIHYDROOUABAIN-LIKE FACTOR AND DIAGNOSTIC & THERAPEUTIC COMPOSITIONS AND METHODS</u>.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number

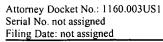
Filing Date

60/119,921

February 12, 1999

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.





Hassan M.A.M. Qazzaz



I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

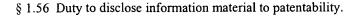
an business in the r	ateni anu Traucini	ark Office confidenced no	dewitti.			
Adams, Gregory J.	Reg. No. 44,494	Huebsch, Joseph C.	Reg. No. 42,673	Nielsen, Walter W.	Reg. No. 25,539	
Anglin, J. Michael	Reg. No. 24,916	Jurkovich, Patti J.	Reg. No. 44,813	Oh, Allen J.	Reg. No. 42,047	
Bentley, Dwayne L.	Reg. No. P-45,947	Kalis, Janal M.	Reg. No. 37,650	Padys, Danny J.	Reg. No. 35,635	
Bianchi, Timothy E.	Reg. No. 39,610	Kaufmann, John D.	Reg. No. 24,017	Parker, J. Kevin	Reg. No. 33,024	
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peacock, Gregg A.	Reg. No. 45,001	
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Perdok, Monique M.	Reg. No. 42,989	
Brennan, Leoniede M.	Reg. No. 35,832	Lacy, Rodney L.	Reg. No. 41,136	Polglaze, Daniel J.	Reg. No. 39,801	
Brennan, Thomas F.	Reg. No. 35,075	Leffert, Thomas W.	Reg. No. 40,697	Prout, William F.	Reg. No. 33,995	
Brooks, Edward J., III	Reg. No. 40,925	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422	
Chu, Dinh C.P.	Reg. No. 41,676	Litman, Mark A.	Reg. No. 26,390	Schwegman, Micheal L.	Reg. No. 25,816	
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Slifer, Russell D.	Reg. No. 39,838	
Dahl, John M.	Reg. No. 44,639	Mack, Lisa K.	Reg. No. 42,825	Smith, Michael G.	Reg. No. 45,368	
Drake, Eduardo E.	Reg. No. 40,594	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. P-45,458	
Eliseeva, Maria M.	Reg. No. 43,328	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179	
Embretson, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884	
Fogg, David N.	Reg. No. 35,138	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. P-45,416	
Fordenbacher, Paul J.	Reg. No. 42,546	Nama, Kash	Reg. No. 44,255	Viksnins, Ann S.	Reg. No. 37,748	
Forrest, Bradley A.	Reg. No. 30,837	Nelson, Albin J.	Reg. No. 28,650	Woessner, Warren D.	Reg. No. 30,440	
Harris, Robert J	Reg. No. 37,346	. verson,	1108.110.20,000		,	
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/						
firm of ganization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full						
					ied after full	
disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.						
direct all a surround area in this ages to Schwagman Lundhaug Wessenger & Vluth D.A. at the address indicated below:						
Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:						
P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900						
Telephone No. (612)373-6900						
Telephone No. (012)373-0900						
E I hereby declar	re that all statements r	nade herein of my own kno	wledge are true and	that all statements made or	n information and	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and beliefare believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so						
made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false						
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statėments may jeopard	lize the validity of the	application or any patent is	sued thereon.			
Full-Name of joint inve	ntor number 1: R	oland Valdes, Jr.				
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	Roland Values, Ji	•				
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Attorney Docket No.: 1160.003US1 Serial No. not assigned Filing Date: not assigned

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- A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent (a) examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - prior art cited in search reports of a foreign patent office in a counterpart application, and
- the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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(b) Under this section, informat made of record in the application, and

(1) It establish Under this section, information is material to patentability when it is not cumulative to information already of record or being

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the predonderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (c)
 - (1) Each inventor named in the application:
 - Each attorney or agent who prepares or prosecutes the application; and
 - Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, (d) agent, or inventor.